

BOARD OF ETHICS

Open Session Minutes

May 20, 2009 - 3:14 p.m.
740 North Sedgwick, Suite 500

Board Members Present

Miguel A. Ruiz, Chair
Thomas McCarthy
John L. Wilhelm, M.D.
Michael F. Quirk

Staff Present

Steven I. Berlin, Executive Director
Richard J. Superfine, Legal Counsel
Courtney L.D. Kimble, Attorney/Investigator
Edward Primer, Program Director
Pully Casillas, Staff Assistant

I. Approval of Minutes

The Board VOTED 4-0 to approve the Open Session minutes of the March 18, 2009 meeting.

II. Chair's Report

None.

III. Executive Director's Report

A. Education-Classes

Since the last Board meeting, staff has conducted 4 regularly scheduled classes for persons required to attend ethics training. 25 attended on March 26, 24 on April 9, 23 on April 23 and 17 on May 7. There are 17 scheduled for May 21, 20 for June 4, and 14 for June 18. In addition, on March 24, April 28 and May 11, the Executive Director met respectively with the Chief of Staff, First Deputy Commissioner of the Department of Community Development and Chief Financial Officer for ethics training.

At the request of the Commissioner of Aviation, staff made the first of 4 presentations to 200 department contractors working at O'Hare on March 27. The second of these presentations will be on June 26.

And, also at the request of the Commissioner of Aviation, on May 19, staff made a 90 minute presentation to 80 vendors of the Department of Aviation at Midway Airport.

On June 24, staff will participate in a panel discussion at the law firm of Ungaretti & Harris, at the invitation of the firm. The panel will focus on state law changes and City ethics and lobbying ordinances. About 50 persons are scheduled to attend.

B. Mandatory Annual Ethics Education

To date, 20,500 employees have completed the 2009 annual mandatory ethics training program. This is approximately 60% of the total expected number for the year.

We expect the aldermanic program to “go live” after Memorial Day, the week of May 25.

C. Education–Board and Commission Members

Staff has been working closely with the Office of Intergovernmental Affairs, Law Department and Office of Compliance to put together a training program for appointed City officials. It will cover relevant state laws, the Governmental Ethics and Campaign Financing Ordinances, and other rules. We will move to complete it after the General Assembly finishes its work, as among the topics covered are the FOIA and OMA.

D. Statements of Financial Interests

As of this afternoon, there remain 277 employees and 40 appointed officials who have still not filed their forms as required. The deadline for filing is May 31. As required by Ordinance, on May 15, the Board sent 407 notices of the upcoming deadline by certified (and first class) mail. I am pleased to report that this number represents a 33% drop from the number sent out in 2008, and a 66% drop from the numbers sent in 2007 and 2006.

To date, the office has deposited \$1,940 in late filing fees, representing an increase of 250% from the same time last year.

E. Lobbyist Registration

There are currently 600 lobbyists that have registered with the City for this year. To date, approximately \$124,400.00 in lobbyist registration fees have been deposited with the Department of Revenue.

F. Illinois Freedom of Information Act

Since the last regularly scheduled Board meeting, the office has received 8 new requests under the Freedom of Information Act. These comprised 1 request for a Request for Proposals, 180 lobbyist filings and 16 Statements of Financial Interests. These resulted in production of 124 records and the copying of 19 records.

G. Other

The Executive Director will attend a conference tomorrow, May 21, on Conducting Public Business: Ethical Obligations and Deterring Corruption. The conference is sponsored by

the DuPage County State's Attorney's Office and is being held at the DuPage County Judicial Complex. The Chair of the Illinois Reform Commission is scheduled to speak.

IV. Old Business

None.

V. New Business

H. Semi-Annual Review of the Confidentiality of Executive Session Minutes Under the Illinois Open Meetings Act

It was announced that, during the executive session, Board members would conduct the semi-annual review of Board executive session minutes as required by the Illinois Open Meetings Act, and would reconvene in open session to confirm the Board's determination in executive session.

The Board VOTED 4-0 to adjourn into Executive Session at 3:22 p.m. to review matters concerning the conduct of employees and officials of the City that could result in their discipline or dismissal, to review questions concerning matters of professional ethics and performance, to review matters in which litigation is ongoing, and/or to review matters in which the Board finds that litigation against or affecting the Board is probable or imminent.

VI. New Business (Reconvened)

I. Semi-annual Review of the Confidentiality of Executive Session Minutes under the Illinois Open Meetings Act.

At 4:40 p.m. the Board reconvened in open session to confirm its vote in Executive Session on the confidentiality of the Executive Session Minutes. The Board VOTED 4-0 to confirm that the Executive Session Minutes of the Board between August 1987 and May 2009 remain confidential, on the ground that the need for confidentiality still exists as to those minutes, with the exception of those that have already been made publicly available by vote of the Board.

The Board VOTED 4-0 to adjourn the meeting at 4:41 p.m.